

Table 2-1: TEA-21 Environmental Management Provisions Affecting WSDOT Programs

Purpose: To identify TEA-21 provisions relating to environmental management and funding that could be used by WSDOT as the basis for improved environmental decision-making.

Next TEA Comparable	TEA-21 Section & Title	WSDOT Program & Lead Contact	Federal Contact	How Applies within WSDOT Program and Environmental Connection	Extent to which Program Being Implemented	Environmental Services Supporting Activities	Gap Analysis: How Could ES Improve Service re: this Provision?	Links to ES and Recommended Options*
	1101(a)(8)(B) Public Lands Highway Program	Public Lands Discretionary Program Dave Kaiser, H&LP 360-705-7381 KaiserD@wsdot.wa.gov	Gary Hughes FHWA WA Division 360-753-9025 Gary.Hughes@fhwa.dot.gov	Funds available for transportation planning, research, engineering, and construction of highways, roads, and parkways, or of transit facilities within the Federal public lands. Projects involving Federal programs benefiting recreational development, acquisition of necessary scenic easements and scenic or historic sites (habitat connectivity), and provisions for pedestrians and bicycles. In general, environmental benefits are funded as parts, or components, of bigger transportation projects, <i>NOT</i> as individual “environmental projects.”	For FFY 2001, H&LP received ten candidate projects requesting a total of \$8.7 million in PLH funds. 328 projects were submitted nationally requesting over \$624 million. Of these, 69 projects were selected totaling \$72.4 million. Two projects from Washington State were selected, totaling of \$263,700. WSDOT has an MOU with US Forest Service for the development of PLH proposals.	ES helps complete environmental documents required of all federally funded transportation projects (NEPA compliance). No specific link exists between PLH program implementation and ES. NEPA streamlining.	ES facilitates NEPA compliance: streamlining would benefit program. Understanding of WSDOT’s fund management process. Process too complex and competitive to get \$ for wetlands mitigation. Easier to target TEs, etc.	B – Process improvements and streamlining efforts. H B – Increase ES knowledge of WSDOT funding procedures and processes. M
	1106(b) National Highway System	Program Management Office Aaron Butters 360-705-7153 ButterA@wsdot.wa.gov	Gary Hughes FHWA WA Division 360-753-9025 Gary.Hughes@fhwa.dot.gov	Projects eligible for NHS program funds include “participation in natural habitat and wetlands mitigation efforts” (similar to STP program). In other words, environmental mitigation measures that are components of projects receiving NHS funding are eligible for funding.	No TEA-21 funds are currently being used or sought for natural habitat and wetland mitigation efforts. NHS funds are likely being used to fund “typical” environmental mitigation measures that are required of transportation construction projects. A variety of state programs cover wetland and natural mitigation the activities eligible for funding under this program.	ES assists with NEPA compliance and helps determine the environmental mitigation measures necessary in conjunction with NHS-funded transportation projects. No involvement with fund management. NEPA streamlining.	ES facilitates NEPA compliance: streamlining would benefit program. Understanding of WSDOT’s fund management process. Process too complex and competitive to get \$ for wetlands mitigation. Easier to target TEs, etc.	B – Process improvements and streamlining efforts. H B – Increase ES knowledge of WSDOT funding procedures and processes. M
	1108 Surface Transportation Program (STP)	H&LP Stephanie Tax 360-705-7389 taxs@wsdot.wa.gov	Gary Hughes FHWA WA Division 360-753-9025 Gary.Hughes@fhwa.dot.gov	Eligible projects include those involving protection of, preservation of, and mitigation for natural habitat and wetlands mitigation through mitigation banking, such as: <ul style="list-style-type: none">• Environmental restoration and pollution abatement projects, including retrofit or construction of stormwater treatment facilities;• Transportation Enhancement (see §3007);• CAA transportation control measures (TCMs); and• Sodium acetate/formate, or other enviro-friendly anti-icing and de-icing compositions.	The STP Competitive program was allocated about \$85M over the life of TEA-21. WA has successfully allocated \$85M towards 19 projects statewide. WSDOT generally avoids TCMs because they are funded mandates that don’t offer enough flexibility. See §3007 for Transportation Enhancement information.	NEPA streamlining. Facilitating creation of MOUs with resource agencies.	Need to create MOUs with resource agencies. Streamline process, reduce “regulatory quagmire” of environmental compliance.	A – Prepare project applications for Next TEA STP-Competitive funding cycle. M B – Streamlining. H B – Create MOUs w/ resource agencies. H
	1110 Congestion Mitigation and Air Quality (CMAQ)	CMAQ Improvement Program Kathleen Davis 360-705-7377 DavisK@wsdot.wa.gov Mia Waters 206-440-4541 watersy@wsdot.wa.gov	Sharon Love FHWA WA Division 360-753-9558 Sharon.Love@fhwa.dot.gov	Provides flexible funding to improve air quality in non-attainment areas for ozone, carbon monoxide, and particulate matter.	WSDOT headquarters moved CMAQ responsibility to regions and funnel \$ for distribution through H&LP to local lead agencies: PSRC, SRC, SWRTC, and Yakima. ES must compete for available \$, which could potentially take \$ away from local jurisdictions. Washington currently implements only one CAA transportation control measure.	Air Quality and Noise Studies Program (no air people at ES). ES coordinates work at regions and accepts nonattainment and maintenance plans as trigger to release CMAQ \$.	No gap noted.	A – ES is eligible for portion of CMAQ \$. L/M C – Assess costs and benefits and costs of competing w/ locals for \$. M

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	1112 National Recreational Trails Program (NRTP)	Interagency Committee for Outdoor Recreation 360-902-3000 (No WSDOT contact designated)	Megan Hall FHWA WA Division 360-753-8079 Megan.Hall@fhwa.dot.gov	Funds available for recreational planning, improvement, and environmental education.	Forty projects were funded in 2000, six of which were related to education (see attached list of projects). Projects must comply with SEPA/NEPA requirements, a possible intersection with ES. Most work occurs directly with FHWA.	None. A majority of NRTP projects involve renovating existing trails, most of which are not connected to cities, counties, or roads (very little intersection with WSDOT jurisdiction).	No direct WSDOT link to program or designated contact person.	C – Assign contact from ES to keep abreast of NRTP activities and provide support if needed. L E – Improve link to FHWA. L
	1118 National Corridor Planning and Development (NCPD)	Heritage Corridors Grant Program Judy Lorenzo 360-705-7274 LorenzJ@wsdot.wa.gov	Vern Mickelsen FHWA WA Division 360-753-9025 vern.mickelsen@fhwa.dot.gov	Provides funding for States and MPOs for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. Includes monies for environmental review of eligible corridors [Section 1118(c)].	Eligibility limited to MPO/RTPOs and State applicants. Washington has received funds in each year available.	Environmental resource to applicants. Possible partner for projects. Participation in corridor studies.	Communicate availability of ES as resource and potential partner for applicants.	B – Communicate ES services and partnering opportunities. M E – Improve link to FHWA. L
	1203 & 1204 Metropolitan & Statewide Planning Factors	Transportation Planning Office Charlie Howard 360-705-7958 howardc@wsdot.wa.gov	Vern Mickelsen FHWA WA Division 360-753-9025 vern.mickelsen@fhwa.dot.gov	State and/or Metropolitan transportation planning process must consider how “to protect and enhance the environment, promote energy conservation and improve quality of life.” Encourages early incorporation of NEPA considerations. MPOs/RTPOs must demonstrate that projects in their Transportation Improvement Programs (TIPs) comply with National Ambient Air Quality Standards. Washington must show that projects included in the State Transportation Improvement Program (STIP) comply with SEPA (if state \$ is involved) and NEPA (if federal \$ is involved).	Fully implemented.	ES provides information to planners and programmers to ensure project compliance with environmental standards. ES is resource for H&LP regional offices during local planning. Planning Office currently engaged in pilot project with ES to identify env. impacts of proposals in their long-range plan.	Always a need for resources: money and personnel to administer and support the programs and projects.	B – Continue role as resource for local and state planners and programmers. M B – Process improvements and streamlining efforts. H
	1205 Contracting for Engineering and Design Services	Consultant Services Mike Rice (360) 705-7102 RiceM@wsdot.wa.gov		A State may procure under a single contract the services of a consultant to prepare environmental docs for a project as well as subsequent engineering and design work if the State conducts a review assessing the objectivity of the documents prior to submission. [§1205(g)]	Although Consultant Services knows of this provision, WSDOT has not yet used the authority it grants (though Mike Rice expects to use this authority in the future).	None.	None. Regions will ultimately be responsible for implementation. ES will play minimal role.	B – Encourage implementation. Educate Regions about the authority granted. L/M
	1219 National Scenic Byways	Heritage Corridors Grant Program (HCGP) Paula Connelly 360-705-7895 ConnelP@wsdot.wa.gov Bobbie Garver 360-705-7302 GarverB@wsdot.wa.gov Judy Lorenzo 360-705-7274 LorenzJ@wsdot.wa.gov	Vern Mickelsen FHWA WA Division 360-753-9025 vern.mickelsen@fhwa.dot.gov	The Secretary recognizes Scenic Byways as having “outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities.” Funds are available to develop/implement corridor management plans and for improvement, construction, and protection projects related to federally- or state-designated scenic byways.	Washington has successfully obtained funds in this nationally competitive program. WSDOT’s Scenic Byways goals: <ul style="list-style-type: none">• Support six sustainable citizen (grassroots) organizations to run scenic byway programs in the state; and• Designate every road as a scenic byway, thus making all roads eligible for funding and safe from certain degrading roadside activities. This is ultimately a local community decision (to designate as scenic byway).	ES serves as a consultant for the Iron Goat Scenic Byways project. More generally, ES serves as a resource for applicants and is a potential project partner (though underutilized). From a programmatic standpoint, there doesn’t appear to be a strong link between ES and the HCGP.	ES could play a more supportive role if their services and willingness as a project partner were more widely known to applicants. GIS database and statewide overlays would be helpful, but HCGP does not have resources to pursue.	B – Communicate to applicants ES availability as a resource and potential project partner. M B – Educate HCGP personnel about ES services. M B/C – Perform public outreach to support creation of citizen orgs if appropriate. M

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	1221 Transportation and Community and System Preservation Pilot Program (TCSP)	H&LP Kathleen Davis 360-705-7377 DavisK@wsdot.wa.gov Transportation Planning Office Charlie Howard 360-705-7958 howardc@wsdot.wa.gov	Vern Mickelson FHWA WA Division 360-753-9551 vern.mickelsen@fhwa.dot.gov	<p>Funds research, planning, and implementation initiatives that “investigate and address the relationships between transportation and community and system preservation and identify private-sector based initiatives.” [(1221(a)].</p> <p>Section 1221(d)(C) directs Secretary of Transportation to give priority to projects that “have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment.”</p>	<p>Although TCSP is very competitive, WA has done a good job competing for funds. One project was selected for funding in 1999, two in 2000, and four in 2001.</p> <p>This program’s future is uncertain. Congress earmarked FFY 2002 project money due to it being an election year (thus 2002 projects have not been selected and \$ is not yet available). Although applications have been submitted for 2002 selection, program is “on hold” until Congress decides how to proceed.</p>	<p>ES is a potential competitor for TCSP funds, but does not play a supporting role in the administration of the program. WSDOT’s H&LP acts in an accounting capacity, funding projects selected by FHWA and then being reimbursed by FHWA.</p>	<p>No direct link between ES and FHWA.</p>	<p>A – Given program status, wait until Congress makes clear their intentions. Apply in 2003 if ES has a great project. L</p> <p>E – Assess benefit of establishing FHWA link to program. L</p>
	1307 Design-Build Contracting	Jeff Carpenter Alt. Project Delivery Manager 360-705-7804 carpenj@wsdot.wa.gov Steve Yach 509-324-6132 YachS@wsdot.wa.gov	Don Petersen FHWA WA Division 360-534-9323	<p>Design-build innovation produces quicker results by overlapping the design and construction phases of a transportation project, akin to NEPA streamlining efforts. A State or local transportation agency may award a design-build contract for a qualified project using any procurement process permitted by applicable State and local law, provided that final design shall not commence before compliance with section 102 of NEPA (42 USC 4332). In other words, if a federal nexus is present (as is always the case with TEA-21 funding), the design-build contract must adhere to the NEPA process.</p>	<p>WSDOT complies with NEPA in all aspects of program administration and operation. WSDOT is currently conducting an evaluation of design-build for highway projects. The Washington State Legislature has recently passed a substitute bill, SHB 1680, which expands WSDOT’s design-build authority. The SR500 / Thurston Way Interchange Project is the first design-build demonstration project in Washington. The \$23 million project broke ground on April 6, 2000, and is scheduled for completion in October 2002.</p>	<p>“Regulatory Compliance” staff is often assigned to WSDOT and TransAid projects to support implementation and to participate on Interdisciplinary Team. Staff helps steer the process in the correct direction, supports NEPA compliance, and answers procedural questions.</p>	<p>Additional resources could always improve efficiency of NEPA compliance process.</p>	<p>B – Process improvements and streamlining efforts. H</p>
	1308 Major Investment Study Integration	Transportation Planning Office Charlie Howard 360-705-7958 howardc@wsdot.wa.gov	Vern Mickelsen FHWA WA Division 360-753-9551 vern.mickelsen@fhwa.dot.gov Sharon Love FHWA WA Division 360-753-9558 Sharon.Love@fhwa.dot.gov	<p>The Major Investment Study (MIS) is no longer a separate requirement, but must be integrated, as appropriate, as part of the analyses required to be undertaken pursuant to the agency’s planning provisions and NEPA.</p>	<p>The MIS is a sub-element of the metropolitan transportation planning process. The planning office is currently trying to combine the MIS study with the NEPA process as per this section. A pilot program is currently underway to integrate NEPA into corridor studies.</p>	<p>NEPA Streamlining.</p> <p>None.</p>	<p>Additional resources could always improve efficiency of NEPA compliance process.</p>	<p>B/C – Assess w/ Planning Office the benefits of providing additional support. L/M</p>

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	1309 Environmental Streamlining	<p>Regulatory Compliance Program</p> <p>Patty Lynch (360) 705-7448 lynchp@wsdot.wa.gov</p> <p>Carol Lee Roalkvam (360) 705-7126 Roalkvc@wsdot.wa.gov</p> <p>Watershed Planning</p> <p>Liaison Program Coordinator Gloria Skinner 360-705-7494 skinnerg@wsdot.wa.gov</p>	<p>Sharon Love FHWA WA Division 360-753-9558 Sharon.Love@fhwa.dot.gov</p>	<p>Coordinates Federal agency involvement in highway projects under NEPA process to avoid delays in implementing projects, unnecessary duplication of effort, and added costs often associated with reviewing and approving surface transportation projects. States may include their environmental reviews in the coordinated environmental review process. The Secretary may approve State DOT requests to reimburse federal agencies for expenses associated with meeting expedited time frames.</p> <p>Streamlining efforts in Washington extend well beyond improving the NEPA permitting process. WSDOT is currently focusing on streamlining the State planning and permitting process (as per SEPA) and on improving the agency’s organizational function (internal streamlining).</p>	<p>Streamlining is on of ES’ highest priorities and most progressive program areas. WSDOT is engaged in several streamlining activities to further the department’s progress, including:</p> <ul style="list-style-type: none">• Document and Permit Coordination Program;• NEPA Process Improvement Environmental Initiative;• NEPA/SEPA/404 Merger Agreement;• Resource/Regulatory Agency Staff Liaison Program;• Permit Reform Bill (ESB 6188);• Northwest Streamlining Forum;• Environmental Workbench; and• Congressional proposal to have WA designated as a Pilot Project for transportation Permit Streamlining.	<p>The EAO (and the Regulatory Compliance section in particular) takes the lead in most streamlining activities.</p>	<p>MOUs with local resource agencies are not yet finalized.</p> <p>The passage of ESB 6188 will force ES to further stretch limited resources.</p>	<p>B – Process improvements and streamlining efforts. H</p> <p>E – Maintain link with FHWA lead. M</p> <p>F - NW States perspective. M</p>
	3007 Transportation Enhancement	<p>H&LP</p> <p>Stephanie Tax 360-705-7389 taxs@wsdot.wa.gov</p>		<p>Retains 10 percent set-aside within Surface Transportation Program for twelve eligible project categories, including environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.</p>	<p>Although WSDOT is doing an excellent job of maximizing TE funds, very few TE projects have been related to environmental protection (3 of 442 over the life of ISTEA/TEA-21 as of 9/00). A list of selected 2000-01 projects is available at www.tib.wa.gov/newspubs/fy2001/FY2001STPE.htm.</p>	<p>Potential funding applicant.</p>	<p>Increased awareness that SW and habitat connectivity projects are eligible.</p>	<p>A – Apply (partner) for environmental funds. ES can compete for 25% of TE funds. H</p> <p>B – Get involved in TE workshops; educate potential applicants. M/H</p>
	3008 Clean Fuels Formula Grant Program	<p>Program not currently implemented in WA</p> <p>Mia Waters 206-440-4541 watersy@wsdot.wa.gov</p>		<p>Funds available to assist areas in non-attainment with purchase of low-emissions buses and related equipment; the construction of alternative-fuel fueling facilities; the modification of garage facilities to accommodate clean-fuel vehicles; and to assist in the utilization of bio-diesel fuel.</p>	<p>WSDOT does not own any buses and therefore does not implement this program. In a related effort, WSDOT is planning to go after EPA clean fuels funding this spring for a low-sulfur diesel pilot program in King County (in cooperation with King County, Metro, and Seattle).</p>	<p>None. This program is not currently utilized in Washington.</p>	<p>Awareness of program, educating eligible jurisdictions of program’s existence.</p>	<p>B – Educate locals about program. M</p>
	5105 State Planning and Research	<p>Research Office</p> <p>Mary Pietz, Director 360-705-7974 pietzm@wsdot.wa.gov</p>		<p>A portion of State Planning and Research (SPR) funds (25%) must be spent on research, development, and technology transfer (RD&T) activities. Within WSDOT, SPR funds are available for six general categories of transportation research, including environmental research.</p>	<p>The SPR program is fully implemented on a two-year cycle (to match the funding biennium) and, in the last six or seven years, environmental research has become an increasingly important funding target.</p>	<p>ES staff members serve on committees that prioritize proposed research projects and award funding. ES staff members may serve as principal investigators for projects. ES may also submit research proposals (“problem statements”).</p>	<p>No gap noted.</p>	<p>A – Package and submit research proposal. M</p> <p>B – Continue to participate in selection committee. M</p>
	7403 Clean Vessel Act Grant Program	<p>WA State Parks and Recreation Commission’s Boating Program Office</p>	<p>USFWS Division of Federal Aid 703-358-2435</p>	<p>Grant money helps states prevent water pollution from vessel sewage discharges.</p>	<p>All coastal states (including Washington) have obtained funds for initiating pumpout programs in their states.</p>	<p>None.</p>	<p>Link to program lead.</p>	<p>B/C - Create program contact. L</p> <p>B – Educate eligible applicants about program. L</p>

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* Action Options and Priority Levels

Notes:

The following list of action options and priority levels defines the codes used in the right-hand column. The action options describe possible ES activities that could help maximum utilization of particular TEA-21 environmental resources. The priority levels suggest the success, or “bang for the buck,” such an activity will likely have in securing additional resources or improving ES services.

Action Options

- (A) ES program or activity is eligible for TEA-21 funding – Assess needs, package, and advocate in funding cycle.
- (B) Link to existing ES responsibilities and activities – For example, incorporate into data gathering procedures, process improvement efforts, available resource dissemination, environmental permitting and streamlining processes, agency liaison program, early involvement, etc.
- (C) ES should take lead in tracking and fleshing out recommendations.
- (D) Facilitate executive management orientation and input – Does the action need to happen at an upper level of management?
- (E) FHWA links – Create partnership with FHWA program lead to facilitate improved access to TEA-21 resource(s).
- (F) NW Transportation & Environment Streamlining Forum – Would this action benefit from a northwest states’ perspective, should it be an action recommendation, serve as a benchmark, be part of information sharing, etc.?

Priority Levels

High, Medium, and Low (abbreviated to H, M, and L) are listed after action option letters in the table to indicate the likelihood of success of such an action. For example, if a suggested action option would require a large amount of money from the legislature, and obtaining this money seems unlikely, the option would be ranked a Low priority (i.e., wouldn’t want to waste time and resources).